

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**DARRYL FOREST,**

**Plaintiff,**

**vs.**

**ST. CLAIR COUNTY JAIL, et al.,**

**Defendants.**

**Civil Case No. 04-851-MJR-PMF**

**REPORT AND RECOMMENDATION**

**FRAZIER, Magistrate Judge:**

Before the Court is defendants' motion to dismiss for lack of prosecution (Doc. No. 16). In this civil rights action, plaintiff challenges the conditions of his detention at the St. Clair County Jail. Specifically, he claims that the defendants failed to protect him from an assault in general population. The motion is unopposed.

Plaintiff has not participated in this litigation since December, 2004, and has not provided his current address to the Clerk or defense counsel. On at least four occasions, mail sent to plaintiff at his last known address at the St. Clair County Jail has been returned with notations showing that delivery was not possible. Records maintained by the St. Clair County Jail indicate that plaintiff has not been a resident there since January, 2005. A show cause order entered on January 9, 2007, was returned due to the insufficient address on file with the Clerk. The defendants cannot evaluate plaintiff's claim or prepare a defense without plaintiff's participation. These circumstances strongly indicate that plaintiff has no interest in prosecuting his remaining claim.

IT IS RECOMMENDED that the motion to dismiss (Doc. No. 16) be GRANTED. Plaintiff's remaining § 1983 claim (failure to protect from assault) against defendants St. Clair County Jail, M. Sims, and Sgt. Stienhauser should be DISMISSED for lack of prosecution.

**SUBMITTED: February 7, 2007 .**

**s/ Philip M. Frazier**

**PHILIP M. FRAZIER**

**UNITED STATES MAGISTRATE JUDGE**